REMARKS

By this amendment, claims 1, 3 and 5 have been revised and claim 2 has been canceled to place this application in condition for allowance. Currently, claims 1 and 3-6 are before the Examiner for consideration on their merits. Claim 2 has been incorporated into claim 1.

First and in response to the rejection under 35 U.S.C. § 112, second paragraph, claim 5 has been revised to correct the unclear language. It should also be noted that since claim 1 includes the limitations of claim 2, the instances of a lack of antecedent basis have been removed.

In the Office Action, the Examiner has rejected claims 1, 2, 5, and 6 under 35 U.S.C. § 102(b) based on United States Patent No. 6,350,030 to Fujima. Claims 3 and 4 have been identified as containing allowable subject matter. However, since Applicant believes that he is entitled to broader patent protection than that indicated by the Examiner, claim 3 has not been incorporated into claim 1. However, claim 3 has been rewritten into independent form, and because of this, claims 3 and 4 are now in condition for allowance.

Second, Applicant respectfully traverses the rejection on the grounds that the Examiner has not established a *prima facie* case of anticipation against claim 1, as revised.

In review, the Examiner has alleged that Fujima teaches an angle control means in the form of component 21, and has further alleged that the depressions 46 in the lens frame 4 are the first engagement members formed on the side wall of the frame, and the stopper or protrusions 27 are the second engagement member adapted to be releasably engaged with the depressions 46.

It is contended that these components do not meet the limitations regarding the angle control means that is adapted to "retain said buckle at a predetermined rotation angle with respect to the side wall".

In reality, the mask of Fujima is similar to the mask of claim 1 but for the angle control means. In other words, there are no angle control means to retain the buckle at a predetermined rotation angle with respect to the side wall.

At best, the buckle of Fujima has openings 46 which allow the protrusions or stops 27 to enter the through hole 26. This arrangement couples the buckle 7 with support member 21 to the frame 4. The movement of the protrusions 27, i.e., rotation of the support member 21 is limited by the overhang 51, wherein the lower side wall 48B would bear against the overhang 51 to stop further rotation.

The arrangement of the buckle 7 and frame 1 is not an angle control means wherein depressions and a protrusion releasably engage to retain the buckle at a predetermined rotation angle. The only engagement between each protrusion 27 and groove 46 occurs when the cylindrical portion 24 of the buckle 7 is inserted into the through hole 26 in the frame 4. This engagement is momentary at best and once this occurs, there is no releasable engagement between the two for control of the angle of buckle rotation. Put another way, Fujima just does not have the claimed angle control means and the rejection must be withdrawn for this reason.

The Examiner is called upon to explain in detail as to how the buckle of Fujima is retained in a predetermined rotational relationship by engagement between the protrusions 27 and grooves 46. There just is no such retention or control of the position of the buckle in Fujima; the buckle is free to move, only limited by the overhangs 51 and 52. As identified in the instant application, this is the very problem that the invention addresses, i.e., even if the strap is adjusted, there is nothing to keep the buckle and strap in their adjusted position, and the strap can move to the annoyance of the diver.

The present invention is an improvement over the mask of Fujima, and provides significant advantage in that the strap can be retained at the adjusted position. There is absolutely no means in Fujima to achieve this aim, and the invention is deserving of patent protection for the reasons set out above.

In light of the arguments set forth above, it is contended that Fujima fails to establish a *prima facie* case of anticipation against claim 1, and the rejection must be withdrawn for this reason.

It is further contended that there is no basis to reject claim 1 under 35 U.S.C. § 103(a). As demonstrated above, Fujima lacks any sort of angle control means. The other prior art cited by the Examiner does not make up for the deficiencies in Fujima.

United States Patent Nos. 5,611,644 to Lutz and 6477717 to Winefordner et al. do not teach the claimed invention. Winefordner et al. use a virtual pivot point, and lacks the first and second engagement members of claim 1. Similarly, Lutz merely discloses a swivel mechanism.

United States Patent No. 6,708,349 to Semeia discloses a height adjustment feature, which is clearly not an angle control means.

Therefore, the other prior art does not supply the deficiencies in Fujima, and cannot be relied upon in combination with Fujima to reject claim 1 under 35 U.S.C. § 103(a).

Since claim 1 has been demonstrated to be patentable over the cited prior art, claims 5 and 6 are also in condition for allowance.

Accordingly, the Examiner is respectfully requested to examine this application in light of this amendment and pass claims 1 and 3-6 onto issuance.

If the Examiner believes that an interview with Applicant's attorney would be helpful in expediting prosecution of this application, the Examiner is requested to telephone the undersigned.

The above constitutes a complete response to all issues raised in the Office Action dated August 1, 2005.

Again, reconsideration and allowance of this application is respectfully requested.

Please charge any deficiencies to Deposit Account No. 50-1088.

CLARK & BRODY

By Christopher W. Brody
Christopher W. Brody
Reg. No. 33,613

Customer No. 22902
1090 Vermont Ave. NW
Suite 250
Washington, DC 20005
Telephone: 202-835-1111
Facsimile: 202-835-1755
Docket No.: 12010-0051
Date: October 28, 2005